

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
	:	
v.	:	DATE FILED: _____
	:	
DAVID WAIGHT,	:	VIOLATIONS:
a/k/a “John Burgess,”	:	
a/k/a “Divine”	:	21 U.S.C. § 846 (conspiracy to distribute
	:	one kilogram or more of phencyclidine
	:	(“PCP”) - 1 count)
	:	21 U.S.C. § 841(a)(1) (possession with
	:	intent to distribute one kilogram or more
	:	of phencyclidine (“PCP”) - 1 count)
	:	Notice of forfeiture

I N F O R M A T I O N

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

1. From in or about November 2004 to on or about December 6, 2004, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

DAVID WAIGHT,
a/k/a “John Burgess,”
a/k/a “Divine,”

conspired and agreed together with David Williams, charged elsewhere, and others known and unknown to the United States Attorney, to knowingly and intentionally distribute and possess with intent to distribute one kilogram or more, that is, approximately 3.781 kilograms, of a mixture and substance containing a detectable amount of phencyclidine (“PCP”), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

2. David Williams, charged elsewhere, and defendant **DAVID WAIGHT** obtained multi-kilogram quantities of PCP in liquid form in California and arranged for the shipment of the drug from Los Angeles, California to Tony Cartagena, charged elsewhere, in Philadelphia.

3. Tony Cartagena introduced David Williams to R.G., an employee at Pennsport, a business located at 325 Bainbridge Street in Philadelphia, Pennsylvania ("Pennsport"), in order to gain R.G.'s agreement to allow R.G.'s name, or a facsimile thereof, to be used as the addressee on packages containing PCP to be mailed by express mail from Los Angeles, California, to Pennsport.

4. David Williams, with the assistance of defendant **DAVID WAIGHT**, caused one or more packages containing PCP to be mailed from Los Angeles to an addressee bearing a facsimile of R.G.'s name, to Pennsport, for distribution and sale.

5. After David Williams sent packages of PCP from Los Angeles to Pennsport, Tony Cartagena, David Williams and defendant **DAVID WAIGHT** received and attempted to receive one or more packages in which quantities of PCP in liquid form were concealed, in order to further distribute and sell the PCP.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania and elsewhere:

1. On or about November 12, 2004, David Williams and R.G. traveled from Philadelphia to Los Angeles, to arrange for a delivery of drugs to Philadelphia.
2. On or about November 15, 2004, Tony Cartagena asked R.G. if he (Cartagena) could use R.G.'s name at the front desk of the Pennsport gym in order to receive mail.
3. On or about November 17, 2004, David Williams and Tony Cartagena caused two express mail parcels addressed to "Robert Gibson" to be delivered to the Pennsport gym, 325 Bainbridge Street, Philadelphia, Pennsylvania.
4. On or about November 30, 2004, David Williams and defendant **DAVID WAIGHT** traveled together on a U.S. Air flight from Philadelphia, Pennsylvania to Las Vegas, Nevada in order to acquire PCP.
5. In or about late November 2004, Tony Cartagena again asked R.G. for permission to use his name in order to receive mail at the Pennsport gym.
6. On or about December 1, 2004, David Williams and defendant **DAVID WAIGHT** traveled by rental car from Las Vegas, Nevada to Los Angeles, California in order to acquire PCP.
7. On or about December 1, 2004, David Williams and defendant **DAVID WAIGHT** purchased and obtained approximately one gallon of PCP in Los Angeles, California, in exchange for an initial payment by Williams and **WAIGHT** of approximately \$6,500 to be followed by a subsequent payment of approximately \$6,500 upon completion of the sale and

distribution of the PCP in the Philadelphia, Pennsylvania area.

8. On or about December 1, 2004, David Williams and defendant **DAVID WAIGHT** purchased a case of twelve Aloe Vera juice bottles at a GNC store located in Los Angeles, California, five bottles of which were emptied and used to contain and conceal liquid PCP to be shipped by express mail from Los Angeles, California to “Rob Gibbs,” 325 Bainbridge, Pennsport, Philadelphia, Pennsylvania.

9. On or about December 2, 2004, David Williams and defendant **DAVID WAIGHT** drove to the Los Angeles Airport Station (Post Office), where David Williams mailed an express mail parcel addressed to “Rob Gibbs,” 325 Bainbridge, Pennsport, Philadelphia, Pennsylvania, which parcel contained approximately 3.781 kilograms of PCP in liquid form, concealed inside five bottles of a twelve bottle case of Aloe Vera juice.

10. On or about December 2, 2004, David Williams and defendant **DAVID WAIGHT** drove from Los Angeles to the Las Vegas, Nevada airport, where they boarded a U.S. Air flight and returned to Philadelphia.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about December 2-4, 2004, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DAVID WAIGHT,
a/k/a “John Burgess,”
a/k/a “Divine,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, one kilogram or more, that is, approximately 3,721 grams, of a mixture and substance containing a detectable amount of phencyclidine (“PCP”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

1. As a result of the violations of Title 21, United States Code, Section 841(a)(1), set forth in this indictment, defendant

**DAVID WAIGHT,
a/k/a “John Burgess,”
a/k/a “Divine,”**

shall forfeit to the United States of America:

- (a) Any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses; and
- (b) Any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of such offenses.

2. If any of the property described above as being subject to forfeiture, as a result of any act of omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

PATRICK L. MEEHAN
United States Attorney